

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09 / 909,014	
	Filing Date	7-20-2001	
	First Named Inventor	E.S. KEMENY	
	Group Art Unit	1761	
	Examiner Name	S. WEINSTEIN	
Total Number of Pages in This Submission	14	Attorney Docket Number	—

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply, Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Please Expedite Petition on Age Approved		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	EMANUEL S. KEMENY
Signature	Emanuel S. Kemeny
Date	2.24-03

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <input type="text"/>	
Typed or printed name	
Signature	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Date 2-12-03

TO:
USPTO
Washington, D.C. 20231
Art Unit 1761
Examiner S. Weinstein
Re: Patent Application
Serial No. 09/909,014
Filed 7/20/2001

#12/2K
3/8/3
RECEIVED
FEB 24 2003
TECHNOLOGY CENTER 1700

FROM:
Applicant
Emanuel S. Kemeny
1400 S. Joyce st. Apt 602
Arlington, VA 22202

Please Expedite -- Petition on Age Approved -- Thank You

RESPONSE TO EXAMINER'S 2ND ACTION NON-FINAL
PAPER #16: REJECTION OF CLAIMS 1-15

PART I. Introduction

1.0 Summary of Response

This is a complete response to the Examiner's Action:
rejecting claims 1-15 -- all the claims in the case.

The Examiner requires specific explanatory matter to clarify
and narrow the Specification and Claims -- to be entered
with no New Matter.

Responsively, clarifying amendments now define (and further
limit) original key terms in the Specification and Claims--
based on common sources -- with no New Matter.

Claims 1-15 stand rejected under 35USC 112 First Para. as based on unclear disclosure, and

Claims 1-15 stand rejected under 35USC103 as obvious over Snyder in view of Deane, and over Klatz, Schafer, and DeBryun.

RECEIVED
C.C.
FEB 24 2003
TECHNOLOGY CENTER 1100

1.1 Summary of Amendments

(a) In the Specification:

"DEFINITIONS" listing the original key terms is added -- with definitions based on commonly-used sources (Webster's Dictionary, Fannie Farmer's Cookbook, and cited prior art).

(b) In the Claims:

The Claimed original key terms are further defined to clarify (and further limit) the invention as originally claimed. Changes basically include:

Claim 1 is now drawn to a "Meal-Equivalent Food Bar" with segments equivalent to courses of a "Conventional Meal" ("appetite" controllers are now in dependent claim 16);

Claim 12 is now drawn to a "Snack Food Bar" improved with plural segment courses of "appetite" controllers;

Claims 14,15 are cancelled ("Meal-Equivalent Food Bar");

Claim 16 (on Claim 1) now has the "appetite" controllers;

--Note: all the original terms in the claims are also defined in the new Specification section: "Definitions."

1.2 Traverse of the Applied Prior Art Rejection

The rejection under 35USC103 is traversed: The Applied Art cited by the Examiner correctly teaches certain features of the present invention, but fails to teach or suggest all the features in combination:

(a) Snyder teaches an assortment of foods in a box, (not a bar, ready-to-eat);

(b) Deane teaches portions of food including meat and vegetables in a single container to be separated for cooking, (not ready to eat);

(c) Klatz teaches a food bar of nutrients in plural parts for chronological appropriate portions and doses (not plural

portions for a Meal with segments: of Conventional Meal courses, or appetite controllers).

(d) Schafer teaches a ready-to-eat food bar of mixed ingredients (not plural segments of a Conventional Meal);

(e) DeBryun teaches multi-segment, multi-ingredient food bars (not segments equivalent to a Conventional Meal, nor segments for a Snack Bar with appetite controllers).

1.3 Questions and Answers

The Examiner raises specific questions which are here answered:

(1) QUESTIONS: The meaning of the term "equivalent"?

The differences between the terms:

"appetizer...main-course...dessert" ?

The source of the new term "flavor" ?

ANSWER: These terms are now carefully defined in the new "Definitions" Section, and Claims, and here Briefly:

"Equivalent" means approximation;

"Equivalent Food" means a substitute food which

approximates the (one or more) given Food-Type Attributes:

Flavor, Texture, Color, Density, Nutrition, and Calories.

NOTE: Flavor is the primary culinary food attribute of a food-type and course in a Conventional Meal, eg:

Appetizer: first course, light density,
flavor sweet or savory (non-sweet);

Main-Course: second course, heavy density,
flavor savory;

Dessert: third (and last) course, light density,
flavor sweet.

(2) QUESTION: Do Oat-Soy Bar segments differ in flavor?

ANSWER: Yes: See the original Example (flavors):

Oil/Vinegar, vegetable, apple sauce.